SUPREME COURT, U. S.

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
AUG 31 1971
ROBERT SEAVER, CLERK

Rev.ALEXANDER G.BALC

Petitioner

71-5360

JOSEPH ARDELEAN
ADAM PARSONS
PETER VIDICAN
LAWRENCE F.BULEAN
JOHN MEMETE
ARSENIE S.LUCACIU

Respondents

Petitioner's

PETITION FOR WRIT OF CERTIORARI

Rev.Alexander G.Balc
Pastor
167 Oakdale Avenue
Akron,Ohio 44302
Phone:(216) 253-3319
Petitioner
(Pro Se)

Mr.William D.Mann
Attorney at Law
501 Evans Savings Bldg.
Akron,Ohio,44308
Phone (216) 762-9727
Counsel for Respondents

x x x x x x

x x x

****

I N T H E

SUPREME COURT OF THE UNITED STATES

Rev.ALEXANDER G.BALC

P e t i t i o n e r

v.

JOSEPH ARDELEAN
ADAM PARSONS
PETER VIDICAN
LAWRENCE F.BULZAN
JOHN MEMETE
ARSENIE S.LUCACIU

R e s p o n d e n t s

Petitioner's

P E T I T I O N

FOR WRIT OF CERTIORARI

Rev.Alexander G.Balc

P a s t o r
167 Oakdale Avenue
Akron,Ohio 44302
Phone:(216) 253-3319

Petitioner

(Pro Se)

Mr.William D.Mann

Attorney at Law
501 Evans Savings Bldg.
Akron,Ohio,44308
Phone (216) 762-9727

Counsel for Respondents

x x x x x x

x x x

****

Table of Content

	Page
Petition for a writ of Certiorari	1
Motion for leave to file Petition	1
(a) Reference to the official reports of the opinions of the courts below	2
(b) Statements of the grounds on which the jurisdiction of the Supreme Court is invoked	3
- Judgment sought to be reviewed	7
- The statutory provisions believed to confer on the Supreme Court jurisdiction to review the judgment by a writ of certiorari	8
(c) Questions presented for review	9
(d) The Constitutional provisions and statutes which the case involves	12
(e) Statement of the cases containing facts matterial to the questions submitted for consideration	17
- Constitutional questions	18
- Federal questions	18-19
A r g u m e n t amplifying the reasons relied on for the allowance of the writ	21
Proof of Service with Affidavit	24
A p p e n d i x (A.1.,A.2.,A.3.,A.4.)	25-28

x x x x x x x

x x x x x

x x

Autorities Cited

Constitution & Federal Statutes	Page
First Amendment	12
Seventh Amendment	12
Fourthenth Amendment	12
U.S.C. title 42 Section 1254	8
28 Section 2101(c)	8
28 Section 1651(a)	8
28 Section 1331 & 1332	13
28 Section 1357	13
28 Section 1343	14
42 Section 1981	14
42 Section 1983	15
42 Section 1985	15
18 Section 241	16
18 Section 876	16
18 Section 873& 877	16
18 Section 2o1(e)	17
18 Section 79	17.

Cases - law:

B.

Breath v.Feigenholtz 5

C.

Campbell v.Gleewood Hills Hospital Inc. 3
Congress of Racial Equality v.Clommons 5
Copley v.Sweet 6

D.

Douglas v.City of Jeaneette 6

G.

Greene v.Teffeteller 4

H.

Hamon v.Superior Court of Calif. 3

O.

Oppenheimer v.Still Well 4

R.

Romero v.WeaklAW 8

U

United Elec.Radio & Machine Workers 4

W.

Winkler v.Pringle 5

I N T H E

SUPREME COURT OF THE UNITED STATES

Rev.Alexander G.Balc
167 Oakdale Avenue
Akron,Ohio 44302
Appellant-Petitioner

v.

Joseph Ardelean
1399 Andrus Street
Akron,Ohio 44301

Adam Parsons
44 N.Highland
Akron Ohio 44303

Peter Vidican
297 S.Firestone Blvd.
Akron,Ohio 44301

Lawrence F.Bulzan
285 Massilon Road
Akron,Ohio 44312

John Memete
286 S.Firestone Blvd.
Akron,Ohio 44301

Arsenie S.Lucaciu
19447 Granville,
Detroit,Michigan

Appellees-Respondents.

PETITION FOR WRIT OF CERTIORARI

(Prefaced by a Motion to file Petition.)

I.- Now comes the Rev.Alexander G.Balc,the appellant-petitioner in the above styled case,and respectfully moves the Court,in accordance to the Rule 31-1.of the Rules of the Supreme Court,for leave to file his Petition for writ of certiorari.

-/-

BEST AVAILABLE COPY

II.- The Petitioner above named,presents his Petition for a writ of certiorari prescribed by rule 23,requesting the review of judgment done by the U.S.Court of Appeals fort the Sixth Circuit,by its Order entered July 23,1971 (A.1) in the case filed under No. 71-1043.

(a).- R E F E R E N C E S , are made to the official reports of the oppinions delivered in the courts below as follows: -

- The C.A. by its Order entered July 23,1971(A.1.) denied appellant's motion for rehearing and suggestion for rehearing in banc,at the consideration that:" No judges of this court having moved for rehearing in banc."

- The same C.A. by its Order entered June 16,1971 (A.2) denied the petitioner's -then plaintiff's -appeal determining that" district court order dismissing this suit for lack of jurisdiction was correct under the record made in the district court" and said order of dismissal has been "Affirmed."

- The District Court for Northern District of Ohio Eastern Division, by its Crder entered October 12,1970 - (A 3.) determined that "this court is without jurisdiction to hear this matter and therefor it was dismissed for "lack of jurisdiction."

- The same D.C.by its Order entered December 3,1970 (A.4) determined petitioner's -then plaintiff-s motion for a new trial,as a motion for reconsideration which has been denied.

- By the same Order(A.4) has been ordered that the plaintiff's motion for rehearing by a panel of three judges be denied.-

(b.)- S T A T E M E N T S OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS SUPREME COURT IS INVOKED:

1.- The Court of Appeals, has rendered a decision in conflict with the decisions of another Courts of Appeals in the same matter.

- In Homero v.Weaklaw C.A. Cal.1955 266 F.2nd,399, has been stated that" District Court's decision to refuse to consider complaint in civil rights cases,are appellable,"but the C.A.for the sixth circuit, affirmed such an appellable refusal, determining it as"correct" creating a very conflict.

- According to the Harmon v.Superior Court of State of Calif.(In and for Los Angeles County) C.A. Calif.1962,307 F.2-nd 796,"it result the same conflict stating as "a plain error" the court's dismissal of action"without giving Plaintiff oportunity to be heard" like in this case in which plaintiff has been deprived the oportunity to be heard.

- The same conflict is evident against the judgment of the C.A. for the sixth circuit,affirming the D.C.refusal, which is fairly confronted by the Campbell v. Glenwood Hills Hospital Inc. D.C. Min. 1963 224 F.Supp. 27, by its rationale that "It is better rule for the Court to assume jurisdiction of action under Section 1983 and 1985 of title 42,and then consider claim deficiences on ground that complaint failed to state claims upon which relief can be granted."

-//-

2.- The C.A. has decided an important question of federal statute which has not been ,but should be settled by this Court.

- By overlooking the section 1332 U.S.C.A.title 28 the C.A. has decided by affirming as correct the D.C.refusal of its jurisdiction, in a constitutional question that of the proper jurisdiction of the district court.

- In the Greene v.Teffeteller D.C.Ten.1980 9 F.Supp.387 has been stated that;" This section providing that federal D.C. shall have jurisdiction of all civil actions between citizens of different states,including yhe District of Columbia,"i s c o n s t i t u t i o n a l ."

- The same consitutionality of the question is affirmed in Oppenheimer v.Still Well D.C. Calif.1955 132 F.Supp.761which stated: "The right to maintain suits under Civil Rights Act Section 1983 of title 42 in federal district courts,regardless of diversity of parties citizenship or amount of controversy is conferred by D u e P r o c e s s C l a u s e of U.S.C. Amend.14 this Section(1332 U.S.C.A.) and Section 1983 of title 42.(Paranthesis added.)

- In the United Elec.Radio and Machine Workers of America C.I.O v. Baldwin D.C. Conn.1946 67 F.Supp. 235 has been confirmed":The right to DUE PROCESS OF LAW was guaranteed not only to citizens but to any person and the remedy for deprivation of such right was provided by paragraph 14 of former section 41 of this title,and jurisdiction over enforcement of such rights was given the Federal District Courts by said paragraph."

-//-

3.- The C.A. has decided a federal question in a way in conflict with the applicable decisions of the Supreme Court as evidenced by the following cases law as authorities in this matter of an action interfering civil rights depriba-tions:

-In Winkler v.Pringle D.C.P.A. 1963 214 F.Supp.125, Affirmed 324 F.2-nd 613 Certiorari denied 84 S.Ct 1169 377 U S 908 12 L.ed.178,-has been stated that" A suit to redress deprivation of a federal civil right is maintainable in a federal disctrict court regardless of citizenship," which decision has been overlooked both by the D.C. and the C.A. in the submitted case.

- Breath v.Feigenholtz C.A. Ill.1967 380 F.2-nd 90 Certiorari denied 88 S.Ct.591 389 U S 1014 19 L.ed.2nd 660,outlined that "Congress intended drastically to restrict federal jurisdiction in diversity cases."

-Congress of Racial Equality v.Clommons C.A.Pa. 1963 323 F.2-nd 54 certiorari denied 84 S.Ct.632 375 U S 992 11 L.ed 2-nd 478, established witout any equivoque that: " District Court had federal question jurisdiction where complaint alleged that defendants were encouraging others to forment violence,to provoke breaches of peace and where encouraging others to conspire with them to violate state and federal laws so as to deprive citizens of their federally guaranteed civil rights." This decision is exactly applicable to the present case submitted for review.

- In the Douglas v. City of Jeanette C.C.A.Pa.1942 130 F.2-nd 652 Affirmed 63 S.Ct. 877 319 U S 157 87 L.ed.1324 Regearing denied 63 S.Ct.1170 319 U S 782 87 L.ed.1726

-//-

(Douglas v.City of Jeanette continued)
"Freedom of worship - freedom of speach,freedom of press and freedom of assembly, were "rights" secured by U.S.C.A.Constitution Amendments First and Fourtheenth par.1.within meaning of Civil Rights Act Section 1983 title 42, conferring a personal right of action at law or equity for redress of the deprivation of any rights,privileges or immunities secured by the Constitution and Laws,and within paragraph 14 of former Section 41 of this title,conferring upon district court jurisdiction of suits brought under authority of said Section 1983 title 42."

- Moffet v.Commerce Trust Co.D.C. Mo. 1949(In reference to the Section 1343 U.S.C.A.title 28.) 87 Supp. 438 Certiorari denied 72 S.Ct.32 342 U S 818 96 L.ed.618.Rehearing denied 72 S Ct. 163 342 U S 879 96 L;ed.661 Rehearing denied 72 S Ct. 1070 343 U S 989 96 L.ed. 1375.

"This section authorizing recovery in federal court for injury or deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section 1985 of title 42 ,creates a case of action "for jury"...etc. in furthetance of any conspiracy and each wrong creates a separate and distinct cause of action if damage actually accrues."

- Finally the case of Copley v.Sweet, is sustaining the right to maintain the present case under federal district jurisdiction as follows:(D.C.Mich.1955 133 F.Supp.502 Affirmed 234 D.2-nd 660 Certiorari denied 77 S Ct. 138 353 U S 887 1 L. ed.2-nd 91.(In reference to the Section 1343.)

-//-

(Copley v.Sweet continued)
"Under this section giving district court original jurisdiction of any civil action authorized by law to be commenced by any person to recover damages because of deprivation of any rights or privileges as a citizen of the United States by any act done in furtherance of any conspiracy to deprive such a person of his constitutional rights,district court had jurisdiction of complaint alleging in substance that deffendants conspired together to deprive plaintiff's rights,privileges and immunities secured to him by the Constitution and laws of the United States."

- - - -O- - - - -

4.- The C.A. has so far departed from the accepted and usual course of (judiciary) -judicial proceeding by its own procedure and abuse of discretion,that sanctioned by affirming as correct such a departure by the D.C. by its improper determination of"lack of jurisdiction,- as to call for an exercise of this Supreme Court's power of supervision to correct a manifest injustice by suppression of Constitutionally guaranteed rights.

-//-

- THE DATE OF JUDGMENT SOUGHT TO BE REVIEWED AND THE TIME OF ITS ENTRY.

The C.A.for the sixth circuit judgment sought to be reviewed has been rendered by the said C.A.Order entered July 23,1971 (A.1) affirming the D.C.refusal to entertain action for civil rights' deprivation.

-//-

BEST AVAILABLE COPY

THE STATUTORY PROVISION BELIEVED TO CONFER ON THE SUPREME COURT'S JURISDICTION TO REVIEW THE JUDGMENT ABOVE BY A WRIT OF CERTIORARI, is founded:

Under title 28 U.S.C.Section 1254 (United States Code 1964 Edition Vol.7 page 5928.)providing that cases in the Court of Appeals may be reviewed by the Supreme Court by the following methods:

"(1). By writ of certiorari granted upon petition of any party to any civil and criminal case,before or after rendition of judgment or decree."

Under title 28 U.S.C.Section 2101(c) concerning the filing of such petition for certiorari(United States Code 1964 Edition Vol.7 page 6021.)

Under title 28 U.S.C.Section 1651(a) and rule 30 et seq of the Rules of the Supreme Court.

x x x x x

x x x x

xx

(c)- THE QUESTIONS PRESENTED FOR REVIEW.

The main question presented for review is whether the jurisdiction in this matter,- as a matter of law,- in a civil action for deprivation of civil rights done in furtherance of a conspiracy is cognizable by a federal district court?

Given some subsequent questions involved by the lower court's discretion, refusing and disregarding the proper jurisdiction,with the C.A. ruling affirming such a refusal,to entertain such a complaint in federal judicial system, the questions to be examined and settled by the Supreme Court are phrasing as follows:

1.- Did lower courts erroneously fail,-against the validity of the U.S.Constitution,- to apply substantive federal law establishing district court's jurisdiction ,- by the refusal of Due Process Clause under local influence and prejudice, with discriminatory abuses of discretion violating also the Equal Protection of laws for all as the 14-th Amendment's protected right?

2.- Were the issues of complaint -as an action for deprivation of civil rights,- sufficient to warrant submission to the federal district court proper jurisdiction and did federal court of appeals err in affirming as correct a d.c.decision of refusal of such action of civil rights,without remanding case so that be done a substantial judgment under title 42 U.S.C.A.section 1983,with the oportunity of trial by jury ?

/--/

3.- Did First Amendment's established free exercise clauses and the 14-th Amendment's protected right to Due Process clause and Equal Protection of laws invalidate

By:- Refusal of lower courts to entertain complaint for deprivation of civil rights ?

- Interrupting and delaying violently, assaulting with intimidation and threats the plaintiff while as an officiating clergyman was in his position holding his office, performing Divine Service at the church pulpit as a public place for worship ?
- Breaching the peace of congregation by one of the conspirators in a loud uncivil manner shouting while the worship was under way disturbing and impeding the plaintiff and the believers to continue their worship ?
- Prohibiting the free assembly of the plaintiff with the congregation causing the church be forcedly closed and nailed its doors, at the time when the congregation was to be convened for worship ?
- Prohibiting the freedom of religion and worship under intimidation and terror by the participation to the acts of conspiracy of a law enforcement officer, a policeman warrantless assistance to the closing of the church and patrolling arround the church in order to keep the plaintiff far from the church to enter with the members of the congregation to attend a regular church service ?

BEST AVAILABLE COPY

4.- In a plurality of the offenses in a complaint containing issues both under federal civil and criminal statutes with the existence of manifest malice, knowledge and intent, could be determined the action otherwise then an action for deprivation of civil rights done in furtherance of a conspiracy, cognizable and maintainable in Federal District Court and did Court of Appeals misaprehed as matter of law when the issues involves deprivations of civil rights ?

5.- Does Judicial Code Section 1343(3) authorize federal District Court to entertain action for civil rights under 42 U.S.C.A. section 1983 and does suit meet jurisdictional requirement's of judicial code section 1331 and 1332 ?

6.- Is every intentional act committed without good faith by a law enforcement officer -a policeman warrantless interference in civil rights,- a violation of Civil Rights Act invading the First Amendment's protected rights ?

-//-

(d).- THE CONSTITUTIONAL PROVISIONS AND STATUTES WHICH THE CASE INVOLVES.

1.- The constitutionally established free exercise clause has been violated

-Under Amendment First Re.Freedom of religion,speach,of the press and right of petition.

"Congress shall make no law requesting an establishment of religion or prohibiting the free exercise thereof,or abridging the freedom od speach or of the press,or the right of the people peacebly to assemble and to petition the Government for a redress of grievance."(Emphasis added.)

- Under Amendment 7-th Re.: Civil right in civil suits.

"In suits at common law where the value in controversy shall exceeds twenty dollars,the trial by jury shall be preserved and no fact tried by a jury shall be otherwise examined in any Court of the United States then according to the rules of the common law."(Emphasis added.)

-Under Amendment 14-th Sect.1.Re.: Privilege of citizens.

"...No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property,without DUE PROCESS OF LAW,nor deny to any person within its jurisdiction the EQUAL PROTECTION OF LAWS."(Emphasis added.)

-//-

BEST AVAILABLE COPY

2.- The grounds of federal original jurisdiction for judgment and remedy, has been overlooked against the Federal Statutes as follows:

- Under title 28 U.S.C.Section 1331.

U/.S,Code 1dition 1964 Vol.7 page 5963

"(a).-The district court shall have original jurisdiction of all civil rights act wherein the matter of controversy exeeeds the sum or value of $ 10.000 exclusive of interest and costs,and arises under the Constitution, laws,or treat of the United States."(Emphasis added.)

- Under title 28 U.S.C.Section 1332.

U.S.CODE L(¢$ EDITION VOL.7 page 5964

"The district court shall have original jurisdiction of aI civil actions where the matter in controversy exceeds the sum or value of $ 10.000 exclusive of interest and costs, and is between

(1) citizens of different States..."(Quoted in part.Emphasis added.)

- Under the 28 U.S.C. Section 1357.Re.: Injuries under Federal Laws.

"The district court shall have original jurisdiction of any civil action commenced by any person to recover damage: for any injury to his person or property on account of any act done by him under any Act of Congress,for the protection or collection of any of the revenue or to enforce the rights of citizens of the United States to vote in any state."(Emphasis added.)

U.S.CODE 1964 Edition Vol.7 page 5973.

-Under title 28 U.S.C. Section 1343

U.S.CODE 1964 EDITION VOL.7 page 5968

"The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property or because of the deprivation ofaany right or privilege of a citizen of the United States by any act done in in furtherance of any conspiracy mentioned in Section 1985 of title 42."

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in Secti on 1985 of title 42 which he had knowledge were about to occur and power to prevent."

(3) To redress the deprivation under color of any State law,statute,ordinance,regulation,costun or usage,of right,privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for Equal rights of citizens or of all persons within the jurisdiction of the United States."(Emphasis added.)

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights including the right to vote."

- Under title 42 U.S.C.Section 1981 Re.: Equal rights under the law.

U.S.CODE 1964 Edition Vol.9 page 8o2o

" All person within the jurisdiction of the United States shall have the same right in every State and territory to make and enforce contracts,to sue,be parties,give evidence and the full equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens."

-//-

BEST AVAILABLE COPY

-Under title 42 U.S.C.Section 1983 Re: Civil Action for deprivation of rights.

U.S.CODE 1964 Edition Vol.9 page 8o21

"Every person who ,under the color of any statute,ordinance, regulation,custom or usage,of any state or teritory,subjects or causes to be subjected any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights,privileges and or immunities secured by the Constitution and laws,shall be liable to the party injured in an action at law,suit in equity or other propper proceeding for redress." (Emphasis added.)

- Under title 42 Section 1985 Re.: Conspiracy to interfere with civil rights.

U.S.Code 1964 Edition Vol.9 page 8o21

"(1) Preventing officer from performing duties. If two or more persons in any state or teritory conspire to prevent,by force,intimidation or threat,any person from accepting or holding anny office,trust,or place of confidence under the U.S.or from discharging any duties threof or to induce by like means anny officer of the U.S.to leave any state district or place,where his duties as an officer are required to be performed,or to injure him in his person or property,so as to molest,interrupt,hinder or impede him in the discharge of his official duties;

")2) Obstructing justice,intimidating party,winess or juror. If two or more persons conspire for the purpose of impeding,hindering obstructing od defeating in any manner, the duc ocurce of justice,in any state or territory,with intent to deny to any citizen the equal protection of the laws,or to injure him in his property for lawfully enforcing or attempting to enforee, the right of any perspn or class of persons to the equal protection of the laws;

"(3).Depriving persons of rights or privileges. If two or more

-//-

(3) Depriving persons of rights or privileges-(Continued)

"Persons in any state or territory conspire....for the purpose of deprivation either directly or indirectly any person or class of persons of the equal protection of the l laws,or for the purpose of preventing or hindering the constituted authorities of any state or territory from giving or securing to all persons within such a territory the equal protection of the laws... in any case of conspiracy set forth in this section,if one or more persons engaged therein do, or cause to be done,any act in furtherance of the object of such conspiracy whereby another is injured in his person or property,or deprived of having and exercising any right or privileges as a citizen of the U.S. the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation against any one ore more of the conspirators."(Quoted in part,emphasis added.)

- - - - -
- - -

3.- Beside of the federal civil statutes,there are involved also some federal criminal statutes,by the specific facts of the complaint,as follows:

-Under title 18 U.S.C. Section 241(comb.with title 42 USC. section 1985)
Re.: Conspiracy against rights of citizens;

- Under title 18 U.S.C.section 1001 Re.:Frauds and false statements.

- Under 18 U.S.C. Section 876 Re.Mailing threatening communications.

- Under title 18 U.S.C. section 873(comb.877)Re.Blackmail.

-//-

- Under title 18 U.S.C. section 201(e) Re.: Bribery.

- Under title 18 U.S.C. section 79.Re.: Perjury.

Certainly, another classified offenses would be discovered by a proper inquiry and criminal prosecution.

- - - - - -
- - - -

(e).- STATEMENT OF THE CASE CONTAINING FACTS MATERIAL TO THE QUESTIONS SUBMITTED FOR CONSIDERATION.

Ad.Q.1.- Obviously the Court of Appeals failed to apply - as a matter of law,- substantial federal law establishing district court' jurisdiction,and by its abuse of discretion affirmed as correct the D.C.refusal of such a jurisdiction,creating a fundamental conflict between the C.A. judgment and the Statute which are clearly determining federal d.c.jurisdiction in such a case of civil action interfering civil rights.

The C.A. and D.C.-s orders are to be considered against the law and in contradiction with the decisions -as authorities cited,- in the same matter rendered both in the other Courts of Appeals and the Supreme Court which recently rendered a decision in which this Court held that"victims of private civil rights conspiracy may sue for damages in federal courts.

-//-

Ad.Q.2.- The Court of Appeals failed to inquire into the nature of complaint,as an action interfering civil rights, and by its lack of objectivity ignored the proper issues of the claimes sufficient to wrrant the submission to the federal district court,and by consequence,unreasonable,unjust without remanding the case determining D.C.jurisdiction, according to the Statute, maintained the continuity of the status of law violations against the plaintiff-appellant, and in these circumstances denying due process and depriving petitioner the opportunity to be heard and tried by jury, with the equal protection of laws secured right,denied to the petitioner then plaintiff- appellant,any legal relief and redress against the title 42 U.S.C.section 1983.-

- = - -
- - -

Ad.Q.3.- The C.A. failed to state any reason in support of its deprivation of the district court legally established jurisdiction,- as a matter of law,- in an action interfering civil rights,especially in the present case which offenses drawn into question the validity of the U.S.Constitution and federally protected rights as follows:

-Constitutional questions: on the considemation of

- deprivation of civil liberties and rights as to -the freedom of worship and religion,
  -the freedom of peaceble assembly,
- violation of freedom of speach.

- Federal questions: on considerations of

- Denial of statutory jurisdiction conferred upon federal district court;
- Diversity of citizenship;
- Deprivation of substantial civil rights by vilence assault,intimidationthreats don in furtherance of conspiracy

-//-

-Breach of peace of the assembly,disturbing and interrupting the worship service of the congregation by force and violence inyimidating and threatening the petitioner then an officiting clergyman while is his position perfermed his office and duties, submitted to a dangerous assault,in a circumstance related by an eyewitness that one of the conspirators pushed away from the pulpit the petitioner while the Divine Service was under way and the same"was shouting in a loud uncivil voice when plaintiff was going to get heart attack."

-Prohibition to attend regular Divine Service within the church by forcedly closing the church,which doors were locked up and nailed under the unlawful protection of a law enforcement officer,by a policemam warrantless assistance,who after the church has benn closed and nailed up, circulated arround the church to keep the petitioner and his parishioners under fear, terror and intimidation which unchristian and unlawfull situation is still maintained.

- - - -
- - -

Ad/Q.4.- The issues of the complaint plainly display the nature of the claimes as an action for civil rights deprivation relief and redress,under the statute,which doubtless character,with the presence of actual malice,knowledge and intent has been overlooked by the Court of Appeals,and by a prejudicial error affirmed the incorrect denial of jurisdiction by the district court.

-//-

Ad.Q.5.- Due to the sufficiency of the issues of the complaint as an action interfering civil rights, the U.S.Judicial Cod title 28 section 1343 in whole and particularily by paragraph(3) do authorize federal district court to entertain action for civil rights undef 42 U.S.C. 1983 and 1985 since the suit meet jurisdictional requirements of Judicial Code 1331 and 1332.

- - - - -
- - -

Ad.Q.6.- It couldn't be denied any way, that a law enforcement officer's - a policeman warrantless participation to perform acts of conspiracy in violation of Civil Rights Act invading the First Amendment's protected rights, should be considered an intentional act committed without good faith, as an unprofessional conduct which should be considered a gross violation of the U.S.Constitution and laws, by changing the United States character in a "Police State" in which the Act of the Congress is ignoted and substituted improperly by a law enforcement agent against the law.-

- - - - - - -
- - - - -
- - -

BEST AVAILABLE COPY

ARGUMENT AMPLIFYING THE REASONS RELIED ON FOR THE ALLOWANCE OF THE WRIT.

Although a review on writ of certiorari is not a matter of law,-but of sound judicial discretion,-according to the rule 19 of the Rules of the Supreme Court,-and may be granted only where there are special and important reasons therefor, in this matter the allowance of the writ is plainly justified and well founded;

WHEREAS, this case is of such imperative public importance by the unheard injurious plurality of the violations of the U.S.Constitution and Federal laws as displayed within this petition;

Whereas,the nature of this case as an action for deprivation of civil liberties and rights,arises questions under the Constitution,-First,7-th and 14-th Amendments, and under federal statute, and on another hand involves a U.S.citizen's deprivation of substantial liberties and rights done in furtherance of a conspiracy;

Whereas, the rulings of the courts below appears inconsistent with substantial justice affecting not only the petitioner's civil liberties and rights,but are even repugnant to the Constitution, which circumstance are so substantial as to consider the presence of special and important reasons for the allowance of the writ of certiorari, requiring a plenary consideration on the merits and oral argument for their resolution;

Whereas, the unfortunately committed constitutionally violations, dishonored both the United States foundamental institutions and deeply humiliated God's House,by

-//-

BEST AVAILABLE COPY

being changed the God's Hous sacred character and destinationinto a place of disturbance,threats,terror and intimidation,delying the constitutionally guaranteed free exercise clause and liberties;

Whereas,said reasons plainly support this petition for a writ of certiorari;

This Court should review this case as an opottunity to state the existence of the constitutional and federal questions with many prejudicial errors,

This Court should employ this case to reaffirm once again the correct application of the constitutionally guaranteed civil liberties and rights and that of the statutory established jurisdiction to protect and redress committed errors and offenses;

This Court should give life and breath to its rationale in the cases in which has been given decisions by this Court,as there were invoked within this petition,among the authoritics cited in support this petitition;

The Supreme Court should state in this case and reaffirm once again the great principle of Religious Liberty and the Bill of Rights in its entirety,- which always has been regarded by the American People as their very heart beat of its National Life,because its necessity to the advancement of civilization and welfare of society, and this Supreme Court should not let stand that in our most Free Country in the World,-The United States of America,- the worship God and the Freedom of Religion be obstructed and forbidden by such a tremendous proceeding in this case, employed by the conspirators,attracting in the conspiracy

even some public figures and law enforcement officer,a policeman's warrantless assistance- against both to the United States Constitution and the Holiness of God's House and Institutions,which offense cannot be tolerated without legal measures in any State in the World and especially in our blessed Free Country The United States.

Respectfully submitted,

Rev. Alexander G.Balc

Petitioner (Pro Se.)

AFFIDAVIT OF SERVICE

I, the Rev. Alexander G. Balc, the petitioner herein certify that forthy copies of the foregoing petition has been mailed to the Supreme Court of the United States, this day of August 1971, as required by said Court's Rules.

On this day also, copies of this petition has been mailed

-To each of the respondents and their counsel;

-To the Hon. Edwards, circuit judge C.A.-Sixth Circuit,

-To the Hon. Celebrezze, circuit judge C.A. Sixth Circuit,

-To the Hon. Peck circuit judge C.A. Sixth Circuit
(as required by the above Rules, Rule 31-3.)

-To the Hon. Solicitor General of the U.S. Dept. of Justice.
(according to the Rules above, rule 33-2(a).

-To the U.S. Committee on Civil Rights.

-To the American Civil Liberties Union.

By Rev. Alexander G. Balc

STATE OF OHIO)
COUNTY OF SUMMIT) SS

SWORN to before me and subscribed in my presence this 6th day of August 1971 A.D.

Notary Public

No. 71- 1043 (A.I.)

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jul 23 1971
James A,Higgins,Clerk

Rev.ALEXANDER G.BALC

Plaintiff-Appellant,

vs,

JOSEPH ARDELEAN,ADAM PARSONS,
PETER VIDICAN,LAWRENCE F.BULZAN,
JOHN MEMETE,ARSENIE S.LUCACIU,

Defendants-Appellees.

O R D E R

Before: Edwars,Celebrezze and Peck,Circuit Judges

On consideration of the plaintiff-appellant's petition for rehearing and suggestion of rehearing in banc, no judge of this court having moved for rehearing in banc,and the petition having been referred,under the Court's Rules,for disposition by the panel which heard the case,the motion for rehearing is denied.

Entered by order of the Court

(s) James A,Higgins.

C l e r k

BEST AVAILABLE COPY

NO. 71-1043 (A.2)

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

Rev. ALEXANDER G. BALC

Plaintiff-Appellant

vs.

JOSEPH ARDELEAN, ADAM PARSONS, PETER VIDICAN, LAWRENCE F. BULZAN, JOHN MEMETE and ARSENIE S. LUCACIU,

Defendants-Appellees.

Filed
Jun 16 1971
James A. Higgins, Clerk

Before: EDWARDS, CELEBREZZE AND PECK, CIRCUIT JUDGES.

On receipt and consideration of the record and briefs in the above-styled appeal; and

It appearing to the court that the District Judge's order dismissing this suit for lack of jurisdiction was correct under the record made in the District Court,

Said order of dismissal is hereby affirmed.

Entered by order of the court

(s) James A. Higgins
Clerk

BEST AVAILABLE COPY

(A.3.)

UNITED STATES DISTRICT COURT
Northern District of Chio
Eastern Division

Filed
Oct 12,1970,1,43 P.M.'70
Clerk U.S.District Court
Northern District of Chio

REV,ALEXANDER G.BALC
Plaintiff

-vs-

JOSEPH ARDELEAN et Al.
Defendants

CIVIL ACTION NO.C 70-810

ORDER

UPON CONSIDERATION,

This Court having reviewed the defendants ' motion to dismisn and the plaintiff's brief in opposition,
IT IS DETERMINED that this Court is withou jurisdiction to hear this matter, therefore,i is
Ordered,Adjudged and decreed that the case of Rev.Alexander G.Balc v. Joseph Ardelean,et al.,C.70-810 is hereby dismissed,at the costs of the plaintiff.

(s) James C.Connel
James C.Connel,Judge
United States District Court

Dated October 12-th ,1970.

(A.4.)

Connel,J.

UNITED STATES DISTRICT COURT
Northern District of Ohio
Eastern Division

Filed
Dec 3,11,42 AM.'70
Clerk of U.S.Dist.Court.
Northern Distr.Ohio

Rev.ALEXANDER G.BALC

Plaintiff,

vs.

JOSEPH ARDELEAN,et al.,

Defendants.

NO. C 70-810

O R D E R

This cause of action was dismissed by the court October 12,1970.

The plaintiff has filed a motion for new trial which the Court has determined as a motion for reconsideration,and upon due consideration,

It is Ordered that the motion of the plaintiff for reconsidearation is denied; further ,

It is ordered that the motion of the plaintiff for hearing by a panel of three judges is denied.

(s.) James C.Connell

Judge

BEST AVAILABLE COPY